

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN MALDONADO, :
Plaintiff,

v. :
OFFICER JOHN GUNSETT, et al., :
Defendants.

1/31/2022
AMENDED ORDER OF
SERVICE

21 CV 3719 (VB)

Plaintiff, proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights.

On September 17, 2021, plaintiff filed an amended complaint. (Doc. #7).

On November 10, 2021, the Court entered an Order of Service containing a Valentin Order which directed the Attorney General to ascertain the identities of the thirteen John and Jane Doe defendants plaintiff sought to sue in his amended complaint and provide such information to the plaintiff and the Court by January 10, 2022. (Doc. #9). The Court also ordered the U.S. Marshals Service to effect service on the five named defendants in the amended complaint: Correction Officer Gunsett, Sergeant Rowe, Correction Officer Miller, Seargent Maligen, and Deputy Danielle Medbury. As of the date of this Order, there is no indication on the docket that any of the five named defendants have been served.

By letter dated January 10, 2022 (Doc. #14), the Attorney General's office identified seven of the thirteen John and Jane Doe defendants—specifically John and Jane Doe defendants (1), and (8) through (13)—but advised the Court that it has been unable to identify the remaining six John Doe defendants—namely, John Doe defendants (2) through (7).

On January 12, 2022, the Court ordered plaintiff to file a second amended complaint containing the full names of the John and Jane Doe defendants identified by the Attorney

General, as well as any additional identifying information or descriptive details regarding the six remaining, unidentified John Doe defendants. (Doc. #15).

On January 24, 2022, the Court received plaintiff's second amended complaint, dated January 19, 2022, which shall be separately docketed.

Accordingly, it is HEREBY ORDERED:

1. The Clerk is instructed to fill out a U.S. Marshals Service Process Receipt and Return form for each named defendant listed in the Appendix to this Order. The Clerk of Court is further instructed to issue a summons listing each defendant and deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service upon each of the defendants. The service addresses for the defendants are also appended to this Order.
2. By February 26, 2022, the Attorney General shall review the second amended complaint, ascertain the identities of the remaining John Doe defendants and the addresses where these defendants may be served, and provide this information to plaintiff and the Court. At that time, the Court will issue any further appropriate order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Plaintiff also must notify the Court in writing if plaintiff's address changes, and the Court may dismiss the action if he fails to do so.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: January 26, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

APPENDIX

- 1) Attn: Mark Richter, Esq.
Gerard Guiney
c/o DOCCS
1220 Washington Ave.
Albany, NY 12226
- 2) Correction Officer Evelyn Diaz
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
- 3) Captain Floyd Norton
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
- 4) Attn: Mark Richter, Esq.
Correction Officer Amanda Saunders
c/o DOCCS
1220 Washington Ave.
Albany, NY 12226
- 5) Attn: Mark Richter, Esq.
Deputy Superintendent Anthony C. Russo
c/o DOCCS
1220 Washington Ave.
Albany, NY 12226
- 6) Correction Officer Erik Lawton
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
- 7) Correction Officer Anthony Wells
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
- 8) Correction Officer Gunsett
Green Haven Correctional Facility
594 Route 216

Stormville, NY 12582

- 9) Sergeant Rowe
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
- 10) Correction Officer Miller
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
- 11) Sergeant Malignen
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582
- 12) Deputy Danielle Medbury
Green Haven Correctional Facility
594 Route 216
Stormville, NY 12582